

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

PAMELA ROBERTS FOURNET,	§	
	§	
Plaintiff,	§	
VS.	§	
	§	CIVIL ACTION NO. H-05-0633
LEE'S SCREEN PROCESS SUPPLY CO.	§	
and	§	
ROBERT Z. ROBERTS,	§	
	§	
Defendants.	§	

MEMORANDUM AND ORDER

On August 29, 2005, this Court entered a Conditional Order of Dismissal in this case. That Order provided that any party might reopen the case within sixty (60) days of the Order's issuance – in other words, by filing a motion to reopen on or before October 28, 2005. On November 29, 2005, Defendants filed a motion to reinstate the case. That motion, Docket No. 12, was denied as untimely, and final judgment was entered for Defendants. Plaintiff and Intervenor now move to vacate the final judgment.

At a hearing held on May 10, 2006, the parties represented to the Court that all issues had been settled, with the sole exception of the proper allocation among Plaintiff and Defendants of financial responsibility for future increases in Plaintiff's health insurance premiums. That dispute arises from the parties' divergent interpretations of the settlement agreement reached in mediation. It is, in other words, a question that sounds in contract law, a question that has never been pled in this case and one over which this Court lacks subject matter jurisdiction. Accordingly, the pending motion to vacate the final judgment is **DENIED**.

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the 10th day of May, 2006.

A handwritten signature in dark ink, appearing to read "Keith P. Ellison", written in a cursive style.

KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

**TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES
THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY
OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH
THEY MAY HAVE BEEN SENT ONE BY THE COURT.**